

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

WALSH, et al.,

Plaintiffs,

v.

ACTION NO. 2:11-cv-174

WAVY BROADCASTING, LLC, et al.,

Defendants.

ORDER

On January 6, 2012, the Court heard oral argument on Defendants' Motion for Summary Judgment (ECF No. 27). Craig T. Merritt, Esq., represented Defendants, Wavy Broadcasting, LLC, et al., and Jeremiah A. Denton, Esq. represented Plaintiffs, Walsh, et al. The Official Court Reporter was Jody Stewart.

After a review of the memoranda submitted by the parties and the applicable statutory and case law, and for the reasons stated on the record, the Court determines both (1) that the allegedly defamatory statements are capable of being proven false, and (2) that genuine issues of material fact remain in dispute as to the falsity of the statements. Hyland v. Raytheon Tech. Servs. Co., 670 S.E.2d 746, 751 (Va. 2009). The Court therefore DENIES Defendants' Motion for Summary Judgment.

The Clerk shall mail a copy of this Order to all counsel of record.

/s/

Tommy E. Miller
United States Magistrate Judge

January 6, 2012
Norfolk, Virginia